


After Recording Return to:

O'Reilly Automotive Stores, Inc.
ATTN: Carol Kirkman, Legal Dept.
P.O. Box 1156
Springfield, MO 65801

CROSS-REFERENCE: Deed Book: 3349

Page: 34c


Doc ID: 011250860006 Type: COVE
Recorded: 10/09/2018 at 11:47:19 AM
Fee Amt: \$22.00 Page 1 of 8
Rockdale County Superior Court
Ruth A. Wilson Clerk of Superior Ct
BK 6355 PG 210-215

FILED IN OFFICE
CLERK SUPERIOR CT
ROCKDALE CO., GA.
2018 OCT -9 AM 10:47
Ruth A. Wilson
CLERK

Environmental Covenant

This instrument is an Environmental Covenant executed for the property identified below (hereinafter "the Property") as part of an environmental response project to address regulated substances released into the environment that have migrated onto the Property in the groundwater. This Environmental Covenant restricts the use of groundwater on the Property to prevent humans from coming into contact with regulated substances.

Fee Owner of Property/Grantor: O'Reilly Automotive Stores, Inc. (hereinafter "Grantor")
P.O. Box 1156
Springfield, 65801

Grantee/Holder: O'Reilly Automotive Stores, Inc., (hereinafter "Grantee/Holder")
P.O. Box 1156
Springfield, MO 65801

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division (hereinafter "EPD")
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Information:

The property subject to this Environmental Covenant is located at 1711 Highway 138 NE in Conyers, Rockdale County, Georgia (hereinafter "Property"). This tract of land was conveyed on January 20, 2005 from Maurice Gonzalez and Gabriella M. Gonzalez to O'Reilly Automotive, Inc., recorded in Deed Book 3349, Page 340, Rockdale County Records. The Property is located in Land Lot 325 of the 16th District of Rockdale County, Georgia. A complete legal description of the Property is attached as Exhibit A.

Tax Parcel Number(s) 071-0-01-0003 of Rockdale County, Georgia

Name and Location of Administrative Record:

The administrative record for the environmental response project is identified as file Carolina commercial Heat Treating Facility, HIS Site 10341, VRP Site VRP1120248590. This record is available for review at the following location:

Georgia Environmental Protection Division
Response and Remediation Program

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2 MLK Jr. Drive, SE, Suite 1054 East Tower
Atlanta, GA 30334
M-F 8:00 AM to 4:30 PM excluding state holidays

Declaration of Covenant:

This Declaration of Covenant is made pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.* by Grantor, Grantee/Holder, EPD, and their respective successors and assigns.

Grantor makes the following declaration as to restrictions to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, pursuant to O.C.G.A. § 44-16-5(a); is perpetual, unless modified or terminated pursuant to the terms of this Covenant pursuant to O.C.G.A. § 44-16-9; and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property. Should a transfer or sale of the Property occur before such time as this Environmental Covenant has been amended or revoked then said Environmental Covenant shall be binding on the transferee(s) or purchaser(s).

Grantor hereby binds Grantor, its successors and assigns to the following activity and use limitation for the Property identified herein and grants such other rights under this Environmental Covenant in favor of the Grantee/Holder and EPD.

Activity and/or Use Limitation

Groundwater Use Limitation. The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

General Provisions

Notice of Limitation in Future Conveyances. Each instrument hereafter conveying an interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitation set forth in this Environmental Covenant and shall provide the recorded location of the Environmental Covenant.

Access. Grantor shall provide reasonable access to Grantee/Holder or its assigns to verify compliance for annual reporting to EPD.

Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded in accordance with OCGA § 44-16-8(a).

Benefit. This Environmental Covenant shall inure to the benefit of Grantee/Holder, EPD, and their respective successors and assigns and shall be enforceable by the Director or his agents or assigns, Grantee/Holder or its successors and assigns, and other party(ies) as provided for in O.C.G.A. § 44-16-11 in a court of competent jurisdiction.

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Termination or Modification. This Environmental Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-16-5, unless and until the Director determines that the Property is in compliance with the Type 1 or 2 Risk Reduction Standards, as defined in Section 391-3-19-.07 of the Georgia Rules of Hazardous Site Response, whereupon the Environmental Covenant may be amended or terminated, as appropriate, in accordance with O.C.G.A. § 44-16-1 *et seq.*

Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

Warranty. Grantor hereby represents and warrants to the other signatories hereto that the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder and in accordance with O.C.G.A. § 44-16-1 *et seq.*

Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the 9th day of March, 2018.

Signed, sealed, and delivered in the presence of:

For Grantor:

Carol E. Kirkman
Unofficial Witness (Signature)

Carol E. Kirkman
Unofficial Witness Name (Print)

233 S. Patterson Ave, Springfield, MO 65802
Unofficial Witness Address (Print)

Gayle Wells
Notary Public (Signature)

My Commission Expires: 11-13-2021

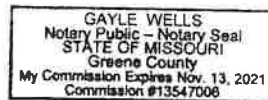
O'Reilly Automotive Stores, Inc.
Name of Grantor (Print)

Scott Kraus
Authorized Representative (Signature) (Seal)

Scott Kraus
Authorized Representative Name (Print)

SR. Vice President of Real Estate
Title of Authorized Representative (Print)

Dated: 3-9-2018
(NOTARY SEAL)



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Signed, sealed, and delivered in the presence of:

Carol E. Kirkman
Unofficial Witness (Signature)

Carol E. Kirkman
Unofficial Witness Name (Print)

233 S. Patterson Ave, Springfield, MO 65802
Unofficial Witness Address (Print)

[Signature]
Notary Public (Signature)

My Commission Expires: 11-13-2021

Signed, sealed, and delivered in the presence of:

[Signature]
Unofficial Witness (Signature)

Jason Metzger
Unofficial Witness Name (Print)

5475 Oxford Chase Way
Atlanta GA 30338
Unofficial Witness Address (Print)

Tamara C. Fischer
Notary Public (Signature)

My Commission Expires: 7-27-2018

For Grantee/Holder:

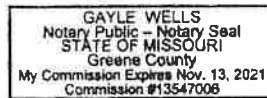
O'Reilly Automotive Stores, Inc.
Name of Grantee/Holder (Print)

[Signature] (Seal)
Authorized Representative (Signature)

Scott Kraus
Authorized Representative Name (Print)

Sr. Vice President of Real Estate
Title of Authorized Representative (Print)

Dated: 3-9-2018
(NOTARY SEAL)



For the State of Georgia
Environmental Protection Division:

[Signature] (Seal)
(Signature)

Judson H. Turner Richard Dunn
Director

Dated: 6-13-18
(NOTARY SEAL)
Tamara C. Fischer
Notary Public
Coweta County, Georgia

EXHIBIT "A"

TRACT 1

BEING ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 325, OF THE 16TH DISTRICT OF ROCKDALE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT, SAID POINT BEING ON THE COMMON CORNERS OF LAND LOTS 324, 325, 343 AND 344 OF THE 16TH DISTRICT OF ROCKDALE COUNTY, THENCE N04°28'00"W A DISTANCE OF 698.20 FEET TO A POINT; THENCE S88°05'00"W A DISTANCE OF 2883.90 FEET TO A POINT; THENCE N06°11'00"W A DISTANCE OF 1150.50 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING. THUS HAVING ESTABLISHED THE TRUE POINT OF BEGINNING; THENCE N00°00'00"W, A DISTANCE OF 325.46 FEET TO A POINT ON THE SOUTHEAST RIGHT-OF-WAY OF GEORGIA HIGHWAY # 138; THENCE ALONG SAID RIGHT-OF-WAY OF GEORGIA HIGHWAY # 138 N44°19'00"E, A DISTANCE OF 114.40 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY S45°15'00"E, A DISTANCE OF 231.60 FEET TO A POINT; THENCE S45°01'00"W, A DISTANCE OF 345.54 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING.

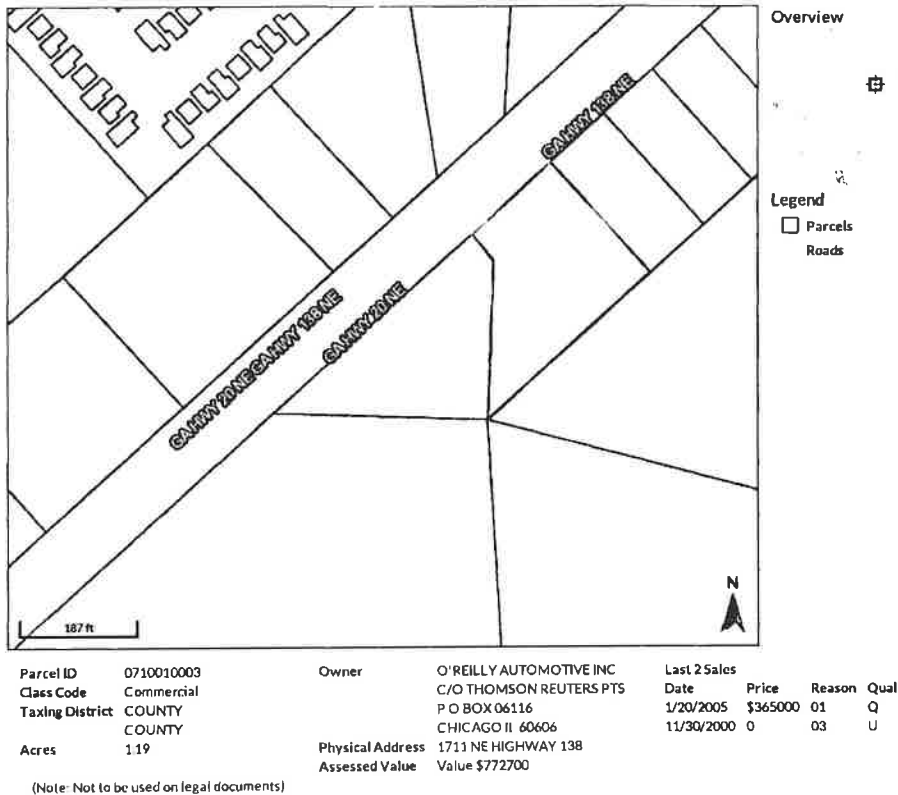
CONTAINING AN AREA OF 53,018 SQ.FT OR 1.2171 ACRES.

TRACT 2

ALL THAT TRACT, OR PARCEL OF LAND lying and being in Land Lot 320 of the 16th District of Rockdale County, Georgia and being more particularly described as follows:

Commencing at a point, said point being on the common corners of Land Lots 324, 325, 343 and 344 of the 16th District of Rockdale County, thence N04°28'00"W, a distance of 698.20 feet to a point; thence S88°05'00"W a distance of 2883.90 feet to a point; thence N06°11'00"W, a distance of 1150.50 feet to a point; thence N00°00'00"W, a distance of 251.85 feet to a point, said point being THE TRUE POINT OF BEGINNING. Thus having established the true point of beginning; thence N46°03'30"W, a distance of 51.42 feet to a point on the southeast right-of-way of Georgia Highway #138; thence along said right-of-way of Georgia Highway #138 N44°19'00"E, a distance of 53.00 feet to a point; thence leaving said right-of-way S00°00'00"E, a distance of 73.61 feet to a point; SAID POINT BEING THE TRUE POINT OF BEGINNING.

Containing an area of 1,362.69 square feet or 0.0312 acres.



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